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10 Counsel for Defendant CRUZ MENDOZA

11 UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,	)	NO. 07-CR-265 JST; 16-CR-410 JST
	)	
12 Plaintiff,	)	
	)	
13 v.	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	TO CONTINUE HEARING DATE TO MAY
14	)	26, 2017 AND TO EXCLUDE TIME
	)	UNDER THE SPEEDY TRIAL ACT
15 MELVIN CRUZ MENDOZA,	)	
	)	
16 Defendant.	)	Date: May 5, 2017
	)	Time: 9:30 a.m.
17	)	
18	)	

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19 The above-captioned matters are set on May 5, 2017 before this Honorable Court for status  
20 hearings. The parties jointly request that the Court continue these matters to May 26, 2017, at 9:30  
21 a.m., for status hearings, and that the Court continue to exclude time under the Speedy Trial Act.

22 Mr. Cruz Mendoza has been charged in a Probation Form 12 Petition alleging that he  
23 violated the terms of his supervision in a 2007 illegal reentry case. He has also been charged in a  
24 one-count indictment alleging illegal reentry, a violation of 8 U.S.C. § 1326. Mr. Cruz Mendoza  
25 was arraigned on the indictment on October 24, 2016.

26 On January 18, 2017, on the unopposed motion of defense counsel, the Court referred Mr.  
27 Cruz Mendoza to the custody of the Attorney General so that a psychologist and/or psychiatrist  
28

1 could examine him for competency. The United States Marshal Service transferred Mr. Cruz  
2 Mendoza out of district to a medical facility for the competency evaluation, and it has advised the  
3 parties that Mr. Cruz Mendoza will not be back in the district in time for the upcoming status  
4 hearing. In addition, The Bureau of Prisons (“BOP”) has not yet disclosed its competency report  
5 to the Court. The parties anticipate that the BOP will disclose its report by the end of the week and  
6 that the United States Marshal Service will return Mr. Cruz Mendoza to this district later in the  
7 month. After the report is disclosed, the parties will need time to review and to assess the findings  
8 in the report. For this reason, the parties request that the Court set these matters for a status  
9 hearing.

10 The parties further stipulate and agree that in case number 16-CR-410 JST the period of  
11 time from May 5, 2017 through May 26, 2017 should be excluded in accordance with the Speedy  
12 Trial Act, 18 U.S.C. § 3161(h)(1)(A), based on the need to determine the mental competency of the  
13 defendant.

14 DATED: May 2, 2017

15  
16 Respectfully submitted,

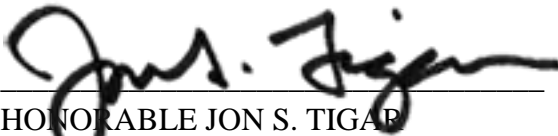
17  
18 /s/  
19 CHRISTINA M. McCALL  
Assistant United States Attorney

20 /s/  
ANGELA M. HANSEN  
Assistant Federal Public Defender

1 **~~PROPOSED~~ ORDER**

2 Based on the reasons provided in the stipulation of the parties above, and for good cause  
3 shown, the Court hereby vacates the May 5, 2017 status hearing date and resets this matter for a  
4 status hearing on May 26, 2017. In addition, the Court finds that time is excluded between May 5,  
5 2017 and May 26, 2017 in accordance with the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(A), based  
6 on the need to determine the mental competency of the defendant.

7 DATE: May 3, 2017

8  
9  
10   
11 HONORABLE JON S. TIGAR  
United States District Judge